

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 04-cv-12706

Gregory Donnelly

v.

Bernard Brady

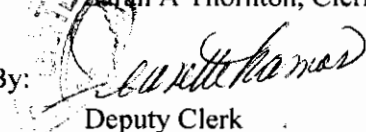
CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-34

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 9/20/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on October 5, 2006.

Sarah A Thornton, Clerk of Court
By: 
Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 10/5/06


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-12706-RWZ**

Donnelly v. Brady
Assigned to: Judge Rya W. Zobel
Cause: 28:2254 Ptn for Writ of H/C - Stay of
Execution

Date Filed: 12/28/2004
Jury Demand: None
Nature of Suit: 530 Habeas
Corpus (General)
Jurisdiction: Federal Question

Petitioner

Gregory Donnelly

represented by **Gregory Donnelly**
Billerica House of Correction
269 Treble Cove Road
Billerica, MA 01862
PRO SE

V.

Respondent

Bernard Brady
*Acting Superintendent at Old
Colony Correctional Center*











represented by **Randall E. Ravitz**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|--------------------------|--|
| 12/28/2004 | <u>1</u> | PETITION for writ of habeas corpus pursuant to 28:2254 § 5, receipt number 61030, filed by Gregory Donnelly. (Attachments: # <u>1</u> Part 1# <u>2</u> Part 2# <u>3</u> Part 3# <u>4</u> Civil Cover Sheet # <u>5</u>)(Johnson, Jay) (Entered: 12/29/2004) |
| 12/28/2004 | <u>2</u> | If the trial Judge issues an Order of Reference of any matter in |

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| | | this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Johnson, Jay) (Entered: 12/29/2004) |
| 01/07/2005 | ● | Judge Rya W. Zobel : endorsed ORDER entered. ELECTRONIC ENDORSEMENT re <u>1</u> Petition for writ of habeas corpus (28:2254) filed by Gregory Donnelly. In accordance with the Rules governing ?2254 proceedings, respondent shall file any responsive pleading by 2/3/05. (Urso, Lisa) (Entered: 01/07/2005) |
| 01/12/2005 | ●2 | NOTICE of Change of Address by Gregory Donnelly (Johnson, Jay) (Entered: 01/13/2005) |
| 02/02/2005 | ●3 | NOTICE of Appearance by Randall E. Ravitz on behalf of Bernard Brady (Johnson, Jay) (Entered: 02/03/2005) |
| 02/02/2005 | ●4 | MOTION for Extension of Time to 3/4/05 to File Answer re <u>1</u> Petition for writ of habeas corpus (28:2254) by Bernard Brady. (Johnson, Jay) (Entered: 02/03/2005) |
| 02/09/2005 | ●5 | RESPONSE to Motion re <u>4</u> MOTION for Extension of Time to 3/4/05 to File Answer re <u>1</u> Petition for writ of habeas corpus (28:2254) filed by Gregory Donnelly. (Johnson, Jay) (Entered: 02/15/2005) |
| 03/04/2005 | ●6 | MOTION for Extension of Time to 3/25/05 to File Response/Reply as to <u>1</u> Petition for writ of habeas corpus (28:2254) by Bernard Brady.(Johnson, Jay) (Entered: 03/08/2005) |
| 03/09/2005 | ●7 | Opposition re <u>6</u> MOTION for Extension of Time to 3/25/05 to File Response/Reply as to <u>1</u> Petition for writ of habeas corpus (28:2254) filed by Gregory Donnelly. (Johnson, Jay) (Entered: 03/15/2005) |
| 03/21/2005 | ● | Judge Rya W. Zobel : endorsedORDER entered granting <u>4</u> Motion for Extension of Time to Answer nunc pro tunc 2/3/05 (Urso, Lisa) (Entered: 03/22/2005) |
| 03/22/2005 | ● | Judge Rya W. Zobel : Electronic ORDER entered granting <u>6</u> Motion for Extension of Time to File Response/Reply re <u>6</u> MOTION for Extension of Time to 3/25/05 to File Response/Reply as to <u>1</u> Petition for writ of habeas corpus (28:2254) Responses due by 3/25/2005 (Johnson, Jay) (Entered: 03/22/2005) |
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| 03/28/2005 | <u>8</u> | MOTION for Extension of Time to 4/15/05 to File Answer re <u>1</u> Petition for writ of habeas corpus (28:2254) by Bernard Brady.(Johnson, Jay) (Entered: 03/29/2005) |
| 03/30/2005 | <u>9</u> | Opposition re <u>8</u> MOTION for Extension of Time to 4/15/05 to File Answer re <u>1</u> Petition for writ of habeas corpus (28:2254) filed by Gregory Donnelly. (Johnson, Jay) (Entered: 03/30/2005) |
| 04/01/2005 | <u>9</u> | Judge Rya W. Zobel : endorsedORDER entered granting <u>8</u> Motion for Extension of Time to Answer to 4/15/05. (Urso, Lisa) (Entered: 04/04/2005) |
| 04/15/2005 | <u>10</u> | MOTION to Dismiss <i>Petition</i> by Bernard Brady.(Ravitz, Randall) (Entered: 04/15/2005) |
| 04/15/2005 | <u>11</u> | MEMORANDUM in Support re <u>10</u> MOTION to Dismiss <i>Petition</i> filed by Bernard Brady. (Ravitz, Randall) (Entered: 04/15/2005) |
| 04/15/2005 | <u>12</u> | APPENDIX/EXHIBIT <i>Notice of Filing with Clerk's Office</i> by Bernard Brady. (Ravitz, Randall) (Entered: 04/15/2005) |
| 04/22/2005 | <u>13</u> | MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION to Dismiss <i>Petition</i> by Gregory Donnelly. (Johnson, Jay) (Entered: 04/26/2005) |
| 05/02/2005 | <u>13</u> | Judge Rya W. Zobel : electronicORDER entered granting <u>13</u> Motion for Extension of Time to File Response/Reply re <u>10</u> MOTION to Dismiss <i>Petition</i> Responses due by 5/16/2005 (Urso, Lisa) (Entered: 05/02/2005) |
| 05/16/2005 | <u>14</u> | Opposition re <u>10</u> MOTION to Dismiss <i>Petition</i> filed by Gregory Donnelly. (Johnson, Jay) (Entered: 05/17/2005) |
| 06/20/2005 | <u>15</u> | Letter/request (non-motion) from Gregg Donnelly requesting docket. (Johnson, Jay) (Entered: 06/21/2005) |
| 06/21/2005 | <u>15</u> | DOCKET SHEET sent to Gregory Donnelly. (Johnson, Jay) (Entered: 06/21/2005) |
| 07/08/2005 | <u>16</u> | Letter/request (non-motion) from Gregory Donnelly regarding 2254 petition. (exhibits unscanned because of size) (Johnson, Jay) (Entered: 07/11/2005) |
| 07/14/2005 | <u>17</u> | Judge Rya W. Zobel : Memorandum of Decision ORDER entered. MEMORANDUM of Decision; The Commonwealth shall file this supplementary brief by Aug. 17, 2005. peitioner |

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| | | within 2 weeks file a responsive brief that identifies any corrections.(Urso, Lisa) (Entered: 07/19/2005) |
| 08/17/2005 | <u>18</u> | MOTION for Extension of Time to August 26, 2005 to File <i>Supplementary Brief in Support of Motion to Dismiss</i> by Bernard Brady.(Ravitz, Randall) (Entered: 08/17/2005) |
| 08/18/2005 | | Judge Rya W. Zobel : electronicORDER entered granting <u>18</u> Motion for Extension of Time to File. Brief due 8/26/05; petitioners due 9/9/05. (Urso, Lisa) (Entered: 08/18/2005) |
| 08/24/2005 | <u>21</u> | Letter/request (non-motion) from Gregory Donnelly regarding service of motion. (Johnson, Jay) (Entered: 08/30/2005) |
| 08/26/2005 | <u>19</u> | Supplemental MEMORANDUM in Support re <u>10</u> MOTION to Dismiss <i>Petition</i> filed by Bernard Brady. (Ravitz, Randall) Additional attachment(s) added on 8/31/2005 (Johnson, Jay). (Entered: 08/26/2005) |
| 08/26/2005 | <u>20</u> | APPENDIX/EXHIBIT re <u>19</u> Memorandum in Support of Motion - <i>Notice of Filing with Clerk's Office</i> by Bernard Brady. (Ravitz, Randall) (Entered: 08/26/2005) |
| 08/31/2005 | <u>22</u> | Letter/request (non-motion) from Gregory Donnelly regarding service of motion to extend. (Johnson, Jay) (Entered: 09/01/2005) |
| 09/09/2005 | <u>23</u> | MOTION for Extension of Time to respond to defendants supplementary brief by Gregory Donnelly.(Johnson, Jay) (Entered: 09/13/2005) |
| 09/26/2005 | <u>24</u> | MOTION for Extension of Time to 10/7/05 to Reply to Respondents Supplementary Brief by Gregory Donnelly. (Johnson, Jay) (Entered: 09/27/2005) |
| 10/04/2005 | | Judge Rya W. Zobel : ElectronicORDER entered granting <u>23</u> Motion for Extension of Time, granting <u>24</u> Motion for Extension of Time. Brief 10/7/05. (Urso, Lisa) (Entered: 10/04/2005) |
| 10/07/2005 | <u>25</u> | Response by Gregory Donnelly to <u>19</u> Supplemental Memorandum in Support of Motion to dismiss. (Johnson, Jay) (Entered: 10/11/2005) |
| 11/16/2005 | <u>26</u> | Letter/request (non-motion) from Gregory Donnelly requesting copie's. (Johnson, Jay) (Entered: 11/17/2005) |
| 11/17/2005 | | DOCKET SHEET sent to Gregory Donnelly. (Johnson, Jay) |

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| | | (Entered: 11/17/2005) |
| 04/03/2006 |  27 | Letter/request (non-motion) from Gregory Donnelly requesting docket sheet. (Johnson, Jay) (Entered: 04/04/2006) |
| 04/04/2006 |  | DOCKET SHEET sent to Gregory Donnelly. (Johnson, Jay) (Entered: 04/04/2006) |
| 04/17/2006 |  28 | NOTICE of Change of Address by Gregory Donnelly (Sonnenberg, Elizabeth) (Entered: 04/18/2006) |
| 06/19/2006 |  29 | NOTICE of Change of Address by Gregory Donnelly (Johnson, Jay) (Entered: 06/20/2006) |
| 08/08/2006 |  30 | Letter/request (non-motion) from Gregory Donnelly requesting copies. (Johnson, Jay) (Entered: 08/09/2006) |
| 08/09/2006 |  | DOCKET SHEET sent to Gregory Donnelly. (Johnson, Jay) (Entered: 08/09/2006) |
| 08/22/2006 |  31 | Judge Rya W. Zobel : Memorandum of Decision and ORDER entered granting <u>10</u> Motion to Dismiss. Judgment may be entered in favor of respondent. (Urso, Lisa) Additional attachment(s) added on 8/23/2006 (Urso, Lisa). (Entered: 08/22/2006) |
| 08/22/2006 |  32 | Judge Rya W. Zobel : ORDER entered. JUDGMENT entered in favor of respondent. (Urso, Lisa) (Entered: 08/22/2006) |
| 08/24/2006 |  33 | Letter/request (non-motion) from Gregory Donnelly regarding motion for stay. (Attachments: # <u>1</u> docket sheet# <u>2</u> cover letter) (Johnson, Jay) (Entered: 08/25/2006) |
| 09/20/2006 |  34 | NOTICE OF APPEAL and Request for Certificate of Appealability as to <u>32</u> Judgment, <u>31</u> Order on Motion to Dismiss by Gregory Donnelly. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 10/10/2006. (Johnson, Jay) Modified on 9/21/2006 (Johnson, Jay). (Entered: 09/21/2006) |